REMARKS

With respect to the drawings, claim 18 has been amended to recite a shoe "pouch" which is clearly shown in Figures 4B, 4C and 5B.

With respect to the restriction requirement, Applicant continues to traverse on the grounds that the Examiner is misinterpreting claim 16. Although the inserts include "one or more" of those listed, the claim still requires "a plurality of modular inserts."

By this amendment, the limitations of claim 2 have been moved into claim 1, and independent claim 16 has been modified to positively recite one or more sliding drawers.

Claim 2, now forming part of claim 1, was rejected under 35 U.S.C. §103(a) over Cozern [*sic*, Cozens] in view of Tisbo et al. Tisbo discloses a portable storage console, having trays 188 received in a rectangular shell. Cozens does not teach any drawers, but the Examiner argues that it would have been obvious to provide Cozens with a "lower track on the shelves to enable one to accommodate additional drawers for storing additional contends." Applicant respectfully disagrees.

First, the Examiner's use of "additional drawers" appears to be misplaced, insofar as Cozens has no drawers at all. But in addition, it is noted that the bottom shelf (a) of Cozens includes a plurality of hooks (B) which cooperate with straps (C) extending upwardly from the bottom shelf (D). In particular, with regard to the series of straps (c),

> "the loose end of each of is fixed a safety pin, so that when suspended from one of the hooks B and fixed at the other end to one of the straps c, by means of which of safety-pin each garment will hang firmly and independently of the others in whatever position the trunk may be placed." ('612 patent, col. 1, lines 36-42).

Thus, the bottom portion of the shelf (a) in the '612 patent, serves an important purpose, with a principle of operation that would be defeated if the hooks B were replaced with sliding drawers. If a proposed modification would render a prior art invention being modified unsatisfactory for its intended purposes, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). If a proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA, 1959).

Independent claim 16 stands rejected under 35 U.S.C. §103(a) over Clegg in view Tisbo et al., and further in view of any one of Chrisholm [sic] or Smith. The Examiner concedes that the primary reference in this case, Clegg, fails to teach lower tracks with drawers and removable modular inserts. Again, however, the Examiner seeks to import the teachings of Tisbo et al. on the grounds that this would "accommodate additional drawers for storing additional contents." Applicant respectfully disagrees. It is noted that the portable filing case of Clegg serves a very specific purpose; namely, to provide a transportable lectern assembly, with shelves to store file folders, transcripts, books, and the like. It is an object of the invention to provide detachable, removable and stackable shelving members to form compartments to store such contents.

Other compartments are provided according to Clegg, with the end application in mind, such that the final assembly is completely self-contained, without the need for any other storage capabilities. For example, a second storage compartment and a removable envelope door used to store business cards, envelope, general correspondence, and so forth ('514 patent, col. 3, lines 40-45). "In operation, starting from an empty mode, and shown in FIGS. 2 and 4 of the drawings, the portable file case holder 10 is loaded for transport" ('514 patent, col. 11, lines 57-59, emphasis added). Compartments 110, 130, 150 or 170 are loaded as necessary, as depicted in Figure 1 of the drawings. Thus, "as necessary" could mean that all of the shelves are filled. Figure 1 also shows other compartments, such as door 250 which holds the lectern top assembly, and compartment 46 for other items that might be used during a presentation.

Accordingly, it is Applicant's position that the Examiner has failed to establish *prima facie* obviousness on the grounds that the teachings of Tisbo et al. are of no use or value to the invention of Clegg, in that all of the shelves may be necessary to hold papers and manuscripts. Drawers, particularly in view of the other storage compartments disclosed by Clegg, would be unnecessary and superfluous. Further, given that the Clegg invention intentionally desires shelves without drawers as a specific object of the invention, the modification of Clegg to provide drawers would defeat its intended purpose, undermining its utility for the application described.

Based upon the foregoing amendments and comments, Applicant believes all claims are in condition for allowance. Although only the rejection of the independent claims was discussed, the claims which depend therefrom should be deemed allowable as well, as they include additional

limitations not met by the cited prior art. Questions regarding this application may be directed to the undersigned attorney by telephone, facsimile or electronic mail.

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Respectfully submitted,

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